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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND BRANCH

UNITED STATES OF AMERICA,)	No. MJ 12-71312 MAG
)	
Plaintiff,)	
)	
v.)	STIPULATION AND [PROPOSED]
)	ORDER TO SET PRELIMINARY
JOHN LEE COBB,)	HEARING OR ARRAIGNMENT
)	ON FEBRUARY 4, 2013
)	
Defendant.)	

The above-captioned matter was previously set on January 4, 2013 before Magistrate Judge Kandis A. Westmore for a preliminary hearing or arraignment. The parties request that this Court set this matter for a preliminary hearing or arraignment on February 4, 2013 at 9:30 a.m., and that the Court exclude time under the Speedy Trial Act between January 2, 2013 and February 4, 2013. The parties stipulate that the time is excludable from the time limitations of the Speedy Trial Act because the interests of justice are served by granting a continuance, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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Such continuance is required because the government will be producing discovery, and defense counsel needs time to review the discovery and, in addition, research legal and factual issues. This continuance will allow the reasonable time necessary for effective preparation taking into account the exercise of due diligence.

As such, the parties respectfully request that the time between January 2, 2013 and February 4, 2013 be excluded under U.S.C. § 3161(h)(7)(A) and (B)(iv).

DATED: January 2, 2013

Respectfully submitted,

MELINDA HAAG
United States Attorney

/s/
RODNEY C. VILLAZOR
Assistant United States Attorney

/s/
JOYCE LEAVITT
Attorney for John Lee Cobb

ORDER

Based on the reason provided in the stipulation of the parties above, the Court hereby FINDS that for adequate preparation of the case by all parties, and in the interest of justice, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), an exclusion of time is warranted under the Speedy Trial Act. Based on these findings, IT IS HEREBY ORDERED THAT the hearing is continued until February 4, 2013 at 9:30 a.m. before the Magistrate Court, and time is excluded until February 4, 2013.

IT IS SO ORDERED.

DATED: 1/2/13


KANDIS A. WESTMORE
United States Magistrate Judge

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